1951

File No. Khar Lands II|51 (R)

LEGAL DEPT

B **BRANCH**

Subject:–

Rules under the Bombay Khar lands Act 1948

File No. Khar Lands II|51 (R)

Gen. 194 e.

764-B

Legal Department.

It is true that the suggestion of the Additional Secretary, L.D. in his opinion No. 11435, dated 19th July 1951 for making a provision in the Rules for suspension of the contribution was in general terms, but the intention was to restrict that recommendation to the annual contribution leviable under section 31 only. In section 31(1) specific provision is made for prescribing by rules the manner and conditions of recovering the annual contribution. As regards the contribution leviable under section 25, it is not possible to provide for the suspension of the contribution by rules. For, there is a specific provision in the Act in section 26 for grant of loans to landlords and tenants when they are not in a position to pay their share of the contribution towards the cost of the scheme. In other words, the Act, ~~if, therefore, its~~ contemplates only relief by way of loans in case of inability to pay, and providing for relief by way suspension by rule would be contrary to the intention of the Act, If, therefore, it is intended to provide also for a relief by way of suspension in respect of contribution leviable under section 25, the Act will have to be suitably amended. In view of this, the draft notification will have to be restricted to the suspension of the annual contribution payable only under section 31(1). A revised draft of the notification is attached herewith.

2. The R.D., may consider the advisability of x charging interest on suspended contributions. Otherwise they might be flooded with unnecessary applications for such relief.